IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27013 of 2007(N)

PETITIONER:

R.GOPI, LEADER POOL NO.15,
UNDER KERALA HEADLOAD WORKERS WELFARE BOARD,
THRIPUNITHURA LOCAL COMMITTEE, RESIDING AT
KOTTARAPARAMBIL HOUSE, POOTHOTTA.P.O.

BY ADV. SRI.THAMPAN THOMAS

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
THRIPUNITHURA.

2. SUB INSPECTOR OF POLICE, UDAYAMPEROOR.

3. THRIPUNITHURA LOCAL COMMITTEE,
KERALA HEADLOAD WORKERS WELFARE BOARD,
THRIPUNITHURA, REPRESENTED BY ITS CHAIRPERSON.

4. THE ASSISTANT LABOUR OFFICER,
IST CIRCLE, ERNAKULAM.

5. THE DISTRICT LABOUR OFFICER, ERNAKULAM.

6. T.C.SHIBU, PRESIDENT CITU, POOTHOTTA
UNIT.

7. M.N.SURESH,
SECRETARY ADHOC COMMITTEE OF CITU
POOTHOTTA UNIT, POOTHOTTA.

8. THE DISTRICT COLLECTOR, ERNAKULAM.

BY ADV. SRI.RENIL ANTO KANDAMKULATHY,SC,KHLWWB
SRI.S.NIRMAL KUMAR
SRI.JOSE P.JOSEPH
Government Pleader MR.P A SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

EXT.P1 TRUE COPY OF THE MASS PETITION DT.18.7.2007

EXT.P2 TRUE COPY OF THE ORDER OF THE 4TH RESPONDENT DT.13.8.2007

EXT.P3 TRUE COPY OF THE REPRESENTATION DT.30.8.2007

EXT..P4TRUE COPY OF THE APPEAL TO R5 DT.30.8.2007

EXT.P5 TRUE COPY OF THE PETITION DT.4.9.2007

EXT.P6 TRUE COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DT.5.9.2007

EXT.P7 TRUE COPY OF THE COMMUNICTION E 1445/2006 DT.5.9.2007

TRUE COPY

PA TO JUDGE

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.27013 of 2007-N

Judgment

Balakrishnan Nair, J.

The petitioner is the leader of Pool No.15 of the Kerala Headload Workers Welfare Board, Thripunithura Local Committee. He says, there are 14 registered workmen covered by the scheme in Poothotta area. Those workmen have got the registration under Rule 26A of the Headload Workers Rules and also under Rule 6 of the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme 1983. Recently, 35 workmen got registration under Rule 26A of the Kerala Headload Workers Rules in the very same area. They are led by the 6th respondent, who is also a member of Pool No.15. Ext.P2 is the proceedings, by which the Assistant Labour Officer has granted registration to those workmen. The petitioner submits, an appeal is already preferred against Ext.P2, by him and two others before the District Labour Officer, a copy of which is produced as Ext.P4. Now, the newly registered workmen are trying to do the loading and unloading work in the area and they are obstructing the

workmen under Pool No.15. Therefore, the petitioner has moved the statutory authorities and the Police. Thereafter, this Writ Petition is filed, seeking police protection.

2. The third respondent local committee of the Kerala Headload Workers Welfare Board submitted that the workmen newly registered as per Ext.P2 do not have the registration under Rule 6 of the aforementioned scheme and therefore, this being a scheme covered area, they cannot work there. They have to get registration under Rule 6B of the said scheme, it is pointed out.

3. The 6th respondent has filed a counter affidavit, in which it is submitted that normally, the members of the petitioner were not able to do the entire work and the balance work was being done by the newly registered 35 workmen. A portion of their wage was being illegally collected by the petitioner. When the petitioner wanted increase in the share of such illegally collected wages, dispute arose and therefore, this Writ Petition is filed. So, they pray for dismissal of the Writ Petition. The learned Government Pleader upon instruction submitted that this being a labour dispute, the police did not interfere with the same.

4. It is common case that the area in question is a scheme covered area. Therefore, only those workmen, who have got registration under Rule 26A of the Kerala Headload Workers Rules and also Rule 6 of the above said scheme are eligible to work in that area. The members of the newly formed union must get registration under Rule 6B of the scheme to get the right to work in that area. If any one is preventing the work of the workmen attached to Pool No.15, they can move the police. In that event, the police will remove the obstruction and ensure that breach of peace is averted and law and order is maintained in the area.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

18.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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